

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIEN NHUT HO,

Defendant.

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8:12CR245

ORDER

This matter is before the court on the motion for an extension of time by defendant Tien Nhut Ho (Ho) (Filing No. 23). Ho seeks an additional fourteen days in which to file pretrial motions in accordance with the progression order. Ho's counsel represents that he has spoken with Ho wherein Ho consents to the motion and Ho understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Since Ho is presently in treatment, the filing of Ho's affidavit in accordance with NECrimR 12.1 (a) and paragraph 9 of the Progression Order is excused. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Ho's previous motion to extend time (Filing No. 21) is denied as moot.
2. Defendant Ho's motion for an extension of time (Filing No. 23) is granted. Ho is given until **on or before October 17, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between October 2, 2012, and October 17, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 2nd day of October, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge